

Uniform Contract Interrogatories

INSTRUCTIONS FOR USE

A. All information is to be divulged which is in the possession of the individual or corporate party, his attorneys, investigators, agents, employees or other representatives of the named party.

B. When an individual interrogatory calls for an answer which involves more than one part, each part of the answer should clearly set out so that it is understandable.

C. When the terms “you”, “Plaintiff” or “Defendant” are used, they are meant to include every individual party and include your agents, employees, your attorneys, your accountants, your investigators, anyone else acting on your behalf. Separate answers should be given for each person named as the party, if requested.

D. When the term “document” is used, it is meant to include every “writing”, “recording” and photograph” as those terms are defined in Rule 1001, Ariz. R. Evid.

E. The term “contract(s)” refers to the contract(s) between the parties or to any contract(s) otherwise a subject of the action.

F. Where the terms “claim” or “claims” are used, they are meant to mean or to include a demand, cause of action or assertion for something due or believed to be due.

G. Where the terms “defense” or “defenses” are used, they are meant to mean or to include any justification, excuse, denial or affirmative defense in response to the opposing party's claim.

H. Where the term “negotiation(s)” is used, it is meant to mean or to include conversations, discussions, meeting, conferences and other written or verbal exchanges which relate to the contract.

GENERAL IDENTIFICATION AND BACKGROUND

Interrogatory No. 1: Please state your full name and state any, and all other names which you have ever used or by which you have ever been known.

Interrogatory No. 2: If you are a business entity:

A. Please state the name you used, or went by, during your involvement in the events that are the subject of the pleadings;

B. Please state any other names or “d/b/a's” under which you have ever transacted business;

C. Are you a corporation? ____ If so, please state:

1. The name stated in the current Articles of Incorporation.
2. All the other names used by the corporation during the last 10 years and the dates each was used.
3. The date and place of the incorporation;
4. The address of the principal place of business; and
5. Whether you are qualified to do business in Arizona.

D. Are you a partnership? ____ If so, please state:

1. The current partnership name;
2. All of the names used by the partnership during the past 10 years and the dates each was used;
3. Whether you are a limited partnership and, if so, under the laws of what jurisdiction;
4. The name and address of each general partner; and
5. The address of the principal place of business.

E. Are you a joint venture? ____ If so, please state:

1. The current joint venture name;
2. All the names used by the past joint venture during the past 10 years and the dates each was used;
3. The name and address of each joint venturer; and
4. The address of the principal place of business.

F. Are you an unincorporated association? ____ If so, please state:

1. The current unincorporated association name;
2. All of the name used by the unincorporated association in the past 10 years and the dates each was used; and
3. The address of the principal place of business.

G. Are you a limited liability company? ____ If so, please state:

1. The name listed in the current articles of organization;
2. All of the names used by the company during the past 10 years and the dates each was used;
3. The name and address of each member, if any;
4. The name and address of each manager, if any;
5. The date and place of formation;
6. The address of the principal place of business; and
7. Whether you are qualified to do business in Arizona.

H. Are you a business entity of a type (corporation, partnership, etc.) not listed above? ____ If so, please state:

1. The current name of the entity;
2. The type of entity it is, including a statement of the legal authority under which the entity was formed;
3. All of the names used by the entity during the past 10 years and the dates each was used;
4. The date and place the entity was formed;

5. The address of the principal place of business of the entity; and

6. Whether you are qualified to do business in Arizona.

Interrogatory No. 3: Have you done business under a fictitious name during the past 10 years? ____ If so, for each fictitious name, please state:

A. The name;

B. The dates used;

C. The state and county where the fictitious name was filed,; and

D. The address of the principal place of business.

Interrogatory No. 4: During the past 5 years has any public entity registered or licensed your businesses? ____ If so, for each license or registration, please:

A. Identify the license or registration;

B. State the name of the public entity; and

C. State the date of the issuance and expiration.

Interrogatory No. 5: State whether you have ever been convicted of a felony. If so, for each felony conviction, please provide the following information:

A. The original charge made against you.

B. The charge of which you were convicted.

C. Did you plead to the charge or were you convicted after the trial?

D. The court and cause (or case) number.

Interrogatory No. 6: State whether you have been a party to a civil lawsuit. If so, for each lawsuit, please provide the following information:

A. How were you named in the lawsuit (e.g. plaintiff, defendant, intervenor, etc.)?

B. What was the nature of each claim and defense?

C. The date, location, and title of the court in which the action was commenced.

D. The names of all the parties other than yourself involved in the action.

Interrogatory No. 7: Do you have liability insurance, or are you aware of any other form of indemnity or bond, through which you were or might be insured in any manner for the damages, claims, or actions that are the subject of the pleadings? ____ If you answered “Yes”, please provide the following information for each policy:

A. The kind of insurance, indemnity or bond;

B. The name of the company or companies, including any excess or umbrella carriers, which you claim provide coverage;

C. The policy number or policies numbers of any applicable policy;

D. The limit or limits of liability of each policy.

E. The named insured of each policy.

F. Whether the insurance carrier has accepted or denied coverage.

G. Whether you are being defended by the insurance carrier under a reservation or rights.

Interrogatory No. 8: Please state the name, address and telephone number of all employees and/or agents involved in the transactions and events which are the subject of the pleadings.

Interrogatory No. 9: Please identify all persons responsible for furnishing any materials or information used to complete the disclosure statement required by Rule 26.1, Ariz.R.Civ.P.

Interrogatory No. 10: Please state the name, address and telephone number of all persons who you believe may have knowledge or relevant information concerning each claim or defense disclosed pursuant to Rule 26.1, Ariz.R.Civ.P. If you have disclosed multiple claims or multiple defenses, state the claim(s) or defense(s) about which you believe the person has information or knowledge.

Interrogatory No. 11: Identify and list each document you believe may be relevant to each separate claim or defense disclosed pursuant to Rule 26.1, Ariz.R.Civ.P. If you disclosed multiple claims or multiple defenses, state which claim(s) or defense(s) about which you believe the document bears relevance. As to each of the documents identified, please provide the following:

A. The location of the documents.

B. The name, address, and telephone number of the individual with the custody or control over the documents.

CONTRACT MATTER

Interrogatory No. 12: Do you contend that you did not enter the contract(s)? ____ If your answer was “Yes”, please provide the following:

A. Explain in detail the factual support for your position, identifying all documents you believe may be relevant to this issue and identifying the name, addresses, and telephone number of all persons you believe to have knowledge or information relating to your position.

B. Describe in detail the factual support for any contention of lack of contract formation, identifying all documents you believe may be relevant to this issue, and identifying the name, address, and telephone number of all persons you believe have knowledge or information relating to your position.

Interrogatory No. 13: With respect to the negotiations leading to the formation of the contract(s), please identify the name, address, and telephone number of all persons involved in those negotiations, and identify all documents that relate to, or were part of, directly or indirectly, the negotiations.

Interrogatory No. 14: If you claim that the contract(s) is (are) an oral contract(s), please state what you believe to be the terms and provisions of the contract(s) in detail and state the name, address and telephone number of all persons you believe have knowledge or information relating to the terms or provisions of the oral contract(s).

Interrogatory No. 15: Do you contend there was a breach of the contract(s)? ____ If so, for each breach, please describe and give the date of every act or omission that you claim is a breach of the contract.

Interrogatory No. 16: Do you contend there was a failure to pay money or a debt when due? ____ If so, for each contention of monies or debt being due, please describe and specifically identify the monies or amounts due, including the principal amount, the interest, and any other charges in your description.

Interrogatory No. 17: Please provide a detailed computation and/or disclosure of the amount you allege you are owed, and/or the contract performance or benefit you believe you are entitled to, and which you have not been provided. Identify all documents that support your calculation and/or disclosure and state the name of the person who has custody and control over the documents.

Interrogatory No. 18: Do you contend that you are entitled to an award of attorneys' fees in this matter? ____ If so, please identify each and every basis upon which you believe you are entitled to attorneys' fees (i.e. statute, contract, or otherwise).

Interrogatory No. 19: Do you contend any contract is ambiguous? ____ If so, please identify each such contract, specifically identifying each ambiguous term or provision, and state why it is ambiguous, and identify all documents that support your contention of ambiguity.

Interrogatory No. 20: For each contract, please provide the following information:

A. Identify all documents that are part of the contract and for each state the name, address, and telephone number of each person who has the document;

B. State each part of the contract not in writing, the name, address, and telephone number of each person agreeing to that provision and the date the part of the contract was made;

C. Identify all documents that evidence each part of the contract not in writing and for each state the name, address, and telephone number of each person who has the document;

D. Identify all documents that are part of each modification to the contract, and for each state the name, address, and telephone number of each person who has the document;

E. State each modification not in writing, the date, and the name, address and telephone number of each person agreeing to the modification, and the date the modification was made; and

F. Identify all documents that evidence each modification of the contract not in the writing and for each state the name, address, and telephone number of each person who has the document.

Interrogatory No. 21: Was performance of the contract(s) excused or discharged? ____ If so, please identify each contract excused or discharged and state why performance was excused or discharged.

Interrogatory No. 22: Was (were) the contract(s) terminated by mutual agreement, release, accord and satisfaction, or novation? ____ If so, please identify each contract terminated and state why it was terminated; including dates.

Interrogatory No. 23: Is (Are) the contract(s) unenforceable? ____ If so, please identify each unenforceable contract and state why it is unenforceable